

NPM No. 28-2007

30 July 2007

MR. VICTOR G. CANITA, JR.
Chairperson, Bids and Awards Committee
SAN JOSE DEL MONTE CITY WATER DISTRICT
Road 1, Brgy. Minuyan,
San Jose Del Monte City, Bulacan

Re: Disposal Committee under COA Circular No. 86-264

Dear Mr. Canita:

We respond to your letter dated 11 December 2006 requesting for clarification on the following issues:


- (i) Whether the functions of the Bids and Awards Committee (BAC) created under Circular No. 86-264 issued by the Commission on Audit (COA) are deemed included in the scope of authority of the BAC created under Republic Act No. 9184 (R. A. 9184);
- (ii) If there is a duly constituted Disposal Committee in a government-owned and controlled corporation (GOCC) and said Disposal Committee prepared the advertisement and guidelines for the conduct of a disposal of property through public bidding, should the pre-bid conference for the activity be administered by the BAC created under R. A. 9184?

As regards your first query, COA Circular 86-264 provides the general guidelines on the **divestment or disposal of assets** of GOCCs. On the other hand, R. A. 9184 applies to the **procurement of infrastructure projects, goods, and consulting services** by all branches and instrumentalities of government, its department, offices and agencies, including GOCCs and local government units (Section 4, R. A. 9184). Considering the different mandates of the BAC constituted under COA Circular No. 86-264 and the BAC created under R. A. 9184, we answer your first query in the negative.

With regard to your second query, since the activity being undertaken is disposal of a property, the pre-bid conference should be administered by the BAC constituted under COA Circular 86-264.

We hope to have clarified the matter. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,



RUBY U. ALVAREZ
Executive Director III